



February 7, 2019

TO: UTRGV Students

FROM: Rebecca K. Gadson  
Associate Vice President for Student Life and Dean of Students

SUBJECT: Hazing is against the law: Texas Hazing Statute Summary and University Hazing Regulations

At UTRGV, the safety of our students is our top priority. Hazing in any form is not tolerated. Individuals engaging in hazing may be subject to university discipline, fines, and/or criminal charges. If you are aware of hazing activities, please put the safety of our students first and [Report It](#) or contact the Office of the Dean of Students at (956) 882-5141 (Brownsville) or (956) 665-2260 (Edinburg). Details about how state law and university regulations define and address hazing are provided below.

### **TEXAS LAW**

The 70<sup>th</sup> Texas Legislature enacted a law concerning hazing which became effective on September 1, 1987. Under the law, individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

According to the law, a person can commit a hazing offense not only by engaging in a hazing activity, but also by soliciting, directing, encouraging, aiding or attempting to aid another in hazing; by intentionally, knowingly or recklessly allowing hazing to occur; or by failing to report in writing to the Dean of Students, firsthand knowledge that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under this law.

In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any person who reports a specific hazing event in good faith and without malice to the Dean of Students or other appropriate official of the institution and immunizes that person from participation in any judicial proceeding resulting from that report. Additionally, a doctor or other medical practitioner who treats a student who may have been subjected to hazing may make a good faith report of the suspected hazing activities to police or other law enforcement official and is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report. The penalty for failure to report is a fine of up to \$1,000.00, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury which results and range from \$500.00 to \$10,000.00 in fines and/or confinement for up to two years.

### **HAZING DEFINED**

The law and the University defines hazing as **any intentional, knowing, or reckless act by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization whose members are or include students at an educational institution.**

Hazing includes but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health of the student;
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection; and
5. Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

### **UNIVERSITY DISCIPLINARY RULES**

The law does not affect or in any way restrict the right of the University to enforce its own rules against hazing. *Rules and Regulation of the Board of Regents of The University of Texas*, Series 50101, Number 2, Section 2.8, provide that

(a) Hazing with or without the consent of the student whether on or off campus is prohibited by The University of Texas System, and a violation of that prohibition renders both the person inflicting the hazing and the person voluntarily submitting to the hazing subject to discipline. Knowingly failing to report hazing may also subject one to discipline.

(b) Initiations or activities by organizations may include no feature which is dangerous, harmful, or degrading to the student and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

### **DANGEROUS OR DEGRADING ACTIVITIES**

Activities which under certain conditions constitute acts that are dangerous, harmful, or degrading, are in violation of The University of Texas Rio Grande Valley's student code of conduct, these include but are not limited to:

- calisthenics, such as sit-ups, push-ups, or any other form of physical exercise;
- total or partial nudity at any time;
- the eating or ingestion of any unwanted or unpleasant substance;
- the wearing or carrying of any embarrassing, degrading, or physically burdensome article;
- paddle swats;
- pushing, shoving, tackling, or any other physical contact;
- throwing any substance on a person;
- any form of individual interrogation;
- consumption of alcoholic beverages accompanied by either threats or peer pressure;
- lineups for the purpose of interrogating, demeaning, or intimidating;
- transportation and abandonment (road trips, kidnaps, walks, rides, drops);
- confining individuals in an area that is uncomfortable or dangerous (hot box effect, high temperature, too small);
- any type of servitude that is of personal benefit to the individual members;
- wearing of embarrassing or uncomfortable clothing;
- assigning pranks such as stealing, painting objects, harassing other organizations;
- intentionally messing up the house or a room for clean up;
- demeaning names;
- yelling or screaming; and
- requiring boxing matches or fights for entertainment.

### **PENALIZED ORGANIZATIONS**

In accordance with requirements of the *Texas Education Code*, Section 51.936(c), the following registered student organizations have been penalized for hazing within the past three years:

- Phi Iota Alpha Fraternity: Penalty issued on December 6, 2017. Placed on probation until November 15, 2018.

For further information or clarification of probationary member activities, contact the Office of the Dean of Students.